

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

COLUMBIA GAS TRANSMISSION, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civ. No.: 1:19-cv-01444 GLR
)	
0.12 ACRES OF LAND, MORE OR)	
LESS, IN WASHINGTON COUNTY,)	
MARYLAND; STATE OF MARYLAND,)	
DEPARTMENT OF NATURAL RESOURCES,)	
)	
Defendants.)	

PLAINTIFF COLUMBIA GAS TRANSMISSION, LLC’S
MOTION TO STRIKE DEFENDANT’S MOTION TO DISMISS

Plaintiff Columbia Gas Transmission, LLC (“Columbia”), pursuant to Federal Rule of Civil Procedure 71.1(e)(3), moves to strike Defendant State of Maryland, Department of Natural Resources’ (“MDNR”) Motion to Dismiss (ECF No. 29) (the “Motion”). Pursuant to Rule 71.1’s plain language – as well as abundant case law in the Fourth Circuit and elsewhere applying that language – MDNR’s Motion is impermissible and should be stricken.

Contemporaneously herewith, Columbia has filed a Memorandum in Support of its Motion to Strike Defendant’s Motion to Dismiss, which is incorporated by reference as if fully set forth herein, along with a Proposed Order.

WHEREFORE, Plaintiff Columbia Gas Transmission, LLC prays that this Court: (i) enter an order striking MDNR’s Motion to Dismiss; (ii) or, in the alternative, issue an order denying MDNR’s Motion to Dismiss for the reasons set forth in Columbia’s Reply in Support of its Motion for an Order of Condemnation and for Preliminary Injunction, which is incorporated by reference as if fully set forth herein; and (iii) grant Columbia such other and further relief as the Court deems just and proper.

Dated: July 8, 2019

Respectfully submitted,

By: /s/
Arnold M. Weiner (MD Bar No. 01605)
Alan M. Rifkin (MD Bar No. 11562)
Barry L. Gogel (MD Bar No. 25495)
Rifkin Weiner Livingston, LLC
225 Duke of Gloucester Street
Annapolis, Maryland 21401
T: 410.269.5066
F: 410.269.1235
aweiner@rwilllaw.com
arifkin@rwilllaw.com
bgogel@rwilllaw.com

John Haug (admitted pro hac vice)
David Fedder (admitted pro hac vice)
Michael Harriss (admitted pro hac vice)
Dentons US LLP
211 N. Broadway Suite 3000
St. Louis, MO 63102
T: 314.259.1800
F: 314.259.5959
john.haug@dentons.com
david.fedder@dentons.com
michael.harriss@dentons.com

Attorneys for Plaintiff Columbia Gas Transmission, LLC

112690633

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 8th day of July, 2019, the foregoing was served by CM/ECF on all registered CMF users.

/s/
Arnold M. Weiner